



Phillips Lytle LLP

Via CMECF

Hon. John L. Sinatra, Jr.
United States District Judge
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202-3350

May 30, 2023

Re: *Hardaway et al. v. Nigrelli et al.*; Case No. 1:22-cv-00771-JLS; Joint Status Report

Dear Judge Sinatra:

This 60-day joint status report is submitted on behalf of all parties per this Court's Text Order, issued January 30, 2023 (Dkt. 69). The Second Circuit has not issued its decision on the appeal of this Court's Decision and Order (Dkt. 52). On May 3, 2023, Penal Law § 265.01-e(2)(c) (*i.e.*, the Place of Worship Ban challenged in this lawsuit) was amended, to add an exception for "those persons responsible for security at such place of worship." **Ex. A** (Ch. 55, pt. F, § 4, 2023 N.Y. Laws). The parties submitted Rule 28(j) letters to the Second Circuit about the amendment and their views on how it affects the ongoing appeal. **Exs. B & C** (2d. Cir. Dkt. Nos. 162, without exhibit, and 164).

Respectfully submitted,

Phillips Lytle LLP

By

Nicolas J. Rotsko

cc: Counsel of record (via CMECF)

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